

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTOINE WAINWRIGHT,)
Plaintiff,)
vs.) Civil Case No. 04-183-GPM
EUGENE McADORY, et al.,)
Defendants.)

ORDER

FRAZIER, Magistrate Judge:

Before the Court are pending motions. Plaintiff has renewed his motion for appointment of counsel (Doc. No. 15). Plaintiff's first motion was denied on March 1, 2005, following consideration of the appropriate factors. After considering the difficulty of the issues relative to plaintiff's capabilities, the Court is not persuaded that appointed counsel would provide a substantial benefit to the Court or the parties at this time. The critical skills needed for pretrial litigation include the ability to understand and evaluate the claims and defenses, the ability to gather and exchange information, and the ability to prepare and respond to motions. Plaintiff's claim is not complex; it is fairly simple and straightforward. Plaintiff can read and write; has personal knowledge of relevant facts; and has reasonable access to library services, legal materials, photocopy services, and medical records. See 20 Ill. Admin. Code Parts 107, 525, 430. He is able to determine which rules and laws govern his case, is able to gather and exchange information, and can communicate effectively with the Court and defense counsel. Plaintiff is competent to represent himself during the pretrial phase of this case. However, the Court recognizes that the skills that will allow plaintiff to prepare for trial may not suffice during trial. Accordingly, plaintiff's motion (Doc. No. 15) is DENIED without prejudice to his right to request appointment of counsel for trial.

Plaintiff's motion for arbitration (Doc. No. 16) is opposed and DENIED. The status of this dispute and positions of the parties do not suggest grounds for arbitration proceedings.

Plaintiff has filed discovery requests (Doc. Nos. 17, 18). Federal and local rules provide that such requests shall be served upon other counsel or parties, but shall not be filed until they are used in the proceeding or the Court orders filing. Fed. R. Civ. P. 5(d); Local Rule 26.1(b). Plaintiff's discovery requests (Doc. Nos. 17, 18) were filed in violation of these Rules and are ORDERED STRICKEN.

IT IS SO ORDERED.

DATED: July 28, 2005.

s/Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE